

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) CS23154RL
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 [(37 CFR 1.8(a)].</p> <p>on: _____</p> <p>Signature _____</p> <p>Typed or printed name _____</p>		
<p>Application Number 10/693,247</p> <p>First Named Inventor DORSEY, DONALD A.</p> <p>Art Unit 2617</p>		<p>Filed OCTOBER 24, 2003</p> <p>Examiner ADDY, ANTHONY S.</p>
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant inventor. _____ /Sylvia Chen/ _____ Signature</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) _____ SYLVIA CHEN _____ Typed or printed name</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number 39,633 _____ 847-523-1096 _____ Telephone number</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34: _____ 21DEC2006 _____ Date</p>		
<p>NOTE: Signatures of all the inventors or assignees or record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*</p> <p><input checked="" type="checkbox"/> *Total of 1 forms are submitted.</p>		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: DORSEY ET AL.

ART UNIT: 2617

APPLN. NO.: 10/693,247

EXAMINER: ADDY, ANTHONY S.

FILED: 10/24/2003

TITLE: EMERGENCY CALL PLACEMENT METHOD

REMARKS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Please disregard the "Amendment and Reply under 37 C.F.R. § 1.111" filed on November 21, 2006.

Applicant respectfully submits that the Examiner's September 22, 2006 Final Office Action contains a clear error because one or more limitations are not met by the cited references. Independent claims 1, 16, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pub. No. 2003/0157923 (Tani) in view of U.S. Patent No. 6792284 (Dalsgaard) and further in view of U.S. Pub. No. 2004/0087305 (Jiang).

The claimed subject matter involves a user equipment (UE) in idle mode requesting 316 a radio resource control (RRC) connection using "emergency call" as an establishment request, changing 350 to a new cell in a different location area without performing a location area update (or a routing area update or a steering area update), and requesting again 316 a RRC connection using "emergency call" as an establishment request. See FIG. 3 and independent claims 1, 16, and 20. According to claims 16 and 20, if an RRC connection setup message is received 320 from the wireless communication

network, the UE completes 326 the RRC connection setup and sends 336 a connection management service request using “emergency call establishment” as a service type.

Independent claims 1, 16, and 20 specifically recite a user equipment in idle mode, in an emergency call establishment situation, where the user equipment changes to a new cell in a different location (or routing or steering) area. Tani proposes an emergency call management apparatus and mobile station without contemplating the concept of different location (or routing or steering) areas. Dalsgaard discusses cell reselection in a terminal for a cellular system without contemplating emergency call situations. The Examiner combines the Tani and Dalsgaard references to establish the situational premise of claims 1, 16, and 20. Jiang paragraph [0154] recites “If the network just hands over the call to another MSC, no new UL [update location message] is sent. This happens because the original VLR/MSC still retains call control and just the radio part is handed over. The second VLR gets the subscriber information from the earlier VLR.” Adding the teaching from Jiang paragraph [0154] to the combination of Tani and Dalsgaard, however, fails to provide a proper basis for rejecting of claim 1. None of the cited references show or suggest the situational premise plus “requesting again a radio resource control connection” without performing a routing area update as recited in claim 1. The teaching in Jiang, which refers to dedicated mode operation, is not applicable to the situational premise of idle mode operation.

Paragraph [0154] of Jiang contemplates a situation where the mobile station is in dedicated mode (“if the subscriber is in the midst of a call”) while claim 1 refers specifically to idle mode, plus the phrase “requesting again a radio resource control connection” indicates that the user equipment of claim 1 is not in dedicated mode. Thus, independent claim 1 is not unpatentable in view of the references cited. The dedicated mode teaching of Jiang paragraph [0154] is not applicable to a mobile device in idle mode. Claims 2-3, 5, 7, and 9-15 depend directly or indirectly from claim 1 and consequently are also patentable over the cited references.

Claim 16 also recites a UE in idle mode “redirecting (or reselecting) to a new call in a different location area than the old cell and returning to step (a) without performing a steering area update” upon the fulfillment of one of three conditions and then “completing a radio resource control connection setup”. Because no combination of Tani, Dalsgaard, and Jiang shows or suggests redirecting (or reselecting) without a steering area update followed by completing a radio resource control connection setup, claim 16 is not unpatentable in view of the cited references.

Claim 20 recites a UE in idle mode “(b) changing to a new cell in a different location area than the old cell and returning to step (a) . . . wherein step (b) returns to step (a) without performing a steering area update” and “completing a radio resource control connection setup.” Again, no combination of Tani, Dalsgaard, and Jiang shows or suggests requesting a radio resource control connection using “emergency call” as an establishment cause, changing to a new cell in a different location area, and again requesting a radio resource control connection using “emergency call” as an establishment clause without performing a steering area update as recited in claim 20. Thus, claim 20 is also not unpatentable in view of the references cited.

Conclusion

Reconsideration and withdrawal of the rejection of independent claims 1, 16, and 20 under 35 U.S.C. § 103(a) as being obvious in view of any combination of Tani, Dalsgaard, and Jiang is respectfully requested. Because the independent claims are not properly rejected, the rejection of the dependent claims should also be withdrawn.

S U M M A R Y

The application is in condition for allowance and a favorable response at an early date is earnestly solicited. Should the Examiner have any questions, comments, or

suggestions, the Examiner is invited to contact Applicant's representative at the telephone number indicated below.

Please charge any fees associated herewith, including extension of time fees, to
Deposit Account 502117.

Respectfully submitted,

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